



General Assembly

Substitute Bill No. 6755

January Session, 2005

* _____HB06755GAE____050205_____*

**AN ACT CONCERNING PERSONNEL TEMPORARILY ASSIGNED TO
THE DEPARTMENT OF EMERGENCY MANAGEMENT AND
HOMELAND SECURITY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 28-1a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) There is established a Department of Emergency Management
4 and Homeland Security, which shall be within the Office of Policy and
5 Management for administrative purposes only. Said department shall
6 be the designated emergency management and homeland security
7 agency for the state. The department head shall be the commissioner,
8 who shall be appointed by the Governor in accordance with the
9 provisions of sections 4-5, 4-6, 4-7 and 4-8 with the powers and duties
10 prescribed in said sections. The commissioner shall possess
11 professional training and knowledge consisting of not less than five
12 years of managerial or strategic planning experience in matters relating
13 to public safety, security, emergency services and emergency response.
14 No person possessing a record of any criminal, unlawful or unethical
15 conduct shall be eligible for or hold such position. Any person with
16 any present or past political activities or financial interests that may
17 substantially conflict with the duties of the commissioner or expose
18 such person to potential undue influence or compromise such person's
19 ability to be entrusted with necessary state or federal security

20 clearances or information shall be deemed unqualified for such
21 position and shall not be eligible to hold such position. The
22 commissioner shall be the chief administrative officer of the
23 department and shall have the responsibility for providing a
24 coordinated, integrated program for state-wide emergency
25 management and homeland security. The commissioner may do all
26 things necessary to apply for, qualify for and accept any federal funds
27 made available or allotted under any federal act relative to emergency
28 management or homeland security.

29 (b) With reasonable conformance to applicable federal statutes and
30 administrative regulations of the Federal Emergency Management
31 Agency and the requirements of the Connecticut emergency
32 operations plan, the commissioner shall organize the department and
33 the personnel of the department as may be necessary for the effective
34 discharge of the authorized emergency management, civil
35 preparedness and homeland security missions, including, but not
36 limited to, the provisions of the Connecticut emergency operations
37 plan and the national plan for civil preparedness. Any department
38 personnel may be removed by the commissioner for security reasons
39 or for incompetence, subject to reinstatement by the Employees'
40 Review Board. The commissioner may enter into contracts for the
41 furnishing by any person or agency, public or private, of services
42 necessary for the proper execution of the duties of the department.
43 Any such contract that has a cost of three thousand dollars or more
44 shall be subject to the approval of the Attorney General.

45 (c) The commissioner shall be responsible for: (1) Coordinating with
46 state and local government personnel, agencies, authorities and the
47 private sector to ensure adequate planning, equipment, training and
48 exercise activities by such personnel, agencies, authorities and the
49 private sector with regard to homeland security; (2) coordinating, and
50 as may be necessary, consolidating homeland security
51 communications and communications systems of the state government
52 with state and local government personnel, agencies, authorities, the
53 general public and the private sector; (3) distributing and, as may be

54 appropriate, coordinating the distribution of information and security
55 warnings to state and local government personnel, agencies,
56 authorities and the general public; and (4) establishing standards and
57 security protocols for the use of any intelligence information.

58 (d) The commissioner may adopt such regulations, in accordance
59 with the provisions of chapter 54, as necessary to implement the duties
60 of the department.

61 (e) The commissioner shall, in consultation with the bargaining unit
62 representing state police, enter into an interagency memorandum of
63 understanding with the Department of Public Safety and the Military
64 Department to provide for (1) the temporary assignment and
65 retrenchment rights of state police and employees of the Military
66 Department to work in the department, and (2) interagency
67 information sharing. [All such assigned employees shall be] Any such
68 personnel temporarily assigned shall act under the [sole] direction of
69 the commissioner. The Department of Public Safety and the Military
70 Department, respectively, shall retain administrative control over such
71 personnel.

72 (f) The commissioner may request and may receive from any
73 federal, state or local agency, cooperation and assistance in the
74 performance of the duties of the department, including the temporary
75 assignment of personnel necessary to perform the functions of the
76 department. Any such personnel temporarily assigned shall act under
77 the direction of the commissioner. The federal, state or local agency
78 shall retain administrative control over such personnel. For purposes
79 of section 5-141d, such personnel temporarily assigned shall be
80 deemed to be acting as state employees while assigned to, and
81 performing the duties of, the department.

82 [(f)] (g) The functions, powers, duties and, as determined to be
83 necessary by the commissioner, personnel of the Division of Homeland
84 Security within the Department of Public Safety and the Office of
85 Emergency Management within the Military Department shall be

86 transferred to the Department of Emergency Management and
87 Homeland Security in accordance with the provisions of sections 4-
88 38d, 4-38e and 4-39.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>from passage</i>	28-1a
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PS *Joint Favorable Subst.*

LAB *Joint Favorable*

JUD *Joint Favorable*

GAE *Joint Favorable*